

Report Date: June 1, 2017

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 05 2017

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brian Scott Fellman

Case Number: 0980 2:09CR06087-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: November 29, 2010

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2) and (b)

Original Sentence: Prison - 70 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Stephanie J. Lister

Date Supervision Commenced: February 20, 2015

Defense Attorney: Daniel N. Rubin

Date Supervision Expires: February 19, 2020

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 05/04/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition # 31: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances

Supporting Evidence: On February 23, 2015, Mr. Fellman was given a copy of his judgment, and his conditions of supervision were explained to him. He signed the judgment, stated he understood his conditions and that he was expected to follow them.

Due to Mr. Fellman's continued drug use, he was directed to call the Alcohol Drug Education Prevention and Treatment (ADEPT) urinalysis (UA) hotline each day. He was to listen for the color "Brown 1." On May 24, 2017, the color "Brown 1" was called. Mr. Fellman reported as directed and supplied a urine sample that was sent to Alere Laboratory to check its validity.

Mr. Fellman reported to the U.S. Probation Office on May 25, 2017, in order to appear before U.S. Magistrate Judge John T. Rodgers for his initial appearance. He was directed to supply a urine sample after the initial appearance. The specimen tested presumptive positive for THC, and was sent to Alere labs for further testing. Alere confirmed a positive THC reading on May 30, 2017.

Re: Fellman, Brian Scott

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Supporting Evidence: On February 23, 2015, Mr. Fellman was given a copy of his judgment, and his conditions of supervision were explained to him. He signed the judgment, stated he understood his conditions and that he was expected to follow them.

Due to Mr. Fellman's continued drug use, he was directed to call the ADEPT UA hotline each day. He was to listen for the color "Brown 1." On May 30, 2017, the color "Brown 1" was called.

Mr. Fellman had a meeting with the undersigned officer on May 30, 2017. The undersigned officer informed Mr. Fellman the color "Brown 1" had been called that day and he was directed to report to ADEPT after our meeting. Mr. Fellman requested to submit his UA at the probation office instead. The undersigned officer informed him that since he was directed to go to ADEPT he would need to supply his urine sample there or they would mark him as a no show.

Mr. Fellman decided to report to ADEPT at a later time and in doing so he was unable to provide a urine sample in the appropriate amount of time. He was marked as "stalled."

Mr. Fellman reported to the U.S. Probation Office on May 31, 2017. He submitted a urine sample that tested presumptive positive for THC. The sample was sent to Alere Laboratory for further testing. The results are pending.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/01/2017

s/Joshua D. Schull

Joshua D. Schull
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other


Signature of Judicial Officer

6/5/17
Date